



VIA HAND DELIVERY SEPTEMBER 18, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ebner et al.

Application Serial No.: 09/320,713

Group Art Unit: 1647

Filed: May 27, 1999

Examiner: Spector, L.

For: INTERLEUKINS-21 AND 22

Attorney Docket No.: PF470

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**RESPONSE TO FURTHER RESTRICTION REQUIREMENT, PROVISIONAL
ELECTION, AND TRAVERSE UNDER 37 C.F.R. § 1.143**

Commissioner for Patents and Trademarks
Washington, D.C. 20231

Sir or Madam:

In response to the Further Restriction Requirement mailed March 21, 2001, please enter the following provisional election, with traverse, and consider the remarks below. Applicants submit concurrently herewith: (a) a Petition for an Extension of Time for five (5) months, up to and including September 21, 2001; (b) a Fee Transmittal Sheet; and (c) Associate Power of Attorney.

Remarks

Claims 1, 25, 27, 29, 37-40, 44, 46, and 50-155 are pending in the instant application.

Applicants request reconsideration and withdrawal of the present restriction requirement.

The Restriction Requirement

The Examiner is requiring a further restriction within the formerly presented Invention II.

More particularly, the Examiner alleges:

The claims are drawn to numerous patentably distinct nucleic acids, each of which constitutes a patentably distinct product. Applicant is required to elect a single invention of a nucleic acid, selected from the group consisting of: (i.e., elect one from the following Markush group): a nucleic acid comprising a polynucleotide encoding a protein selected from the group consisting of the following regions of SEQ ID NO:4: Residues 1-160, 10-160, 28-160, 1-150, 1-140, 28-129, 57-64, 72-77, 99-105, 121-128, 19-27, 30-38, 40-48, 58-67, 105-113, 129-137, 151-159, (57-64 and 151-159) (as in claim 104), a single ultimate species from one of (1-28)-160, 1-(129-160), or (1-

#13
BqJ
9/21/01